IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19616 of 2004

Between:

Smt.Shabana Begum W/o.Mohd Sharfuddin, R/o.H.No.17-1-211/14,

I.A Sadan Bano Nagar, Santosh Nagar, Hyderabad.

..... PETITIONER

AND

Municipal Corporation of Hyderabad Rep. By its Commissioner having office at Tank Bund Road, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order, direction or a writ particularly in the nature of writ of Mandamus declaring that the respondent corporation has no right whatsoever to refuse to accord permission for the construction as purposed by the petitioner at her house bearing M.C No.17-1-197/5/B/4/A, Admn.200 Sq Yards situated at Madanapet, Dhobighat, Hyderabad bounded by North neighbours plot, South Road, East Land of Sri Mohd Jamal West, Road, consequently this Hon'ble Court may be pleased to direct the respondent, its employees to accord permission to the petitioner in accordance with the building by laws as per the purposed plan submitted by the petitioner in respect of her purposed construction at M.C.No.17-1-197/B/4/A, admeasuring 200 sq. yards situated at Madanapet, Dhobighat, Hyderabad bounded by North neighbours plot , South Road, East land of Sri Mohd Jamal, West Road.

Counsel for the Petitioner: MR.MOHD.MOIN AHMED QUADRI, Advocate.

Counsel for the Respondent No.: MR.RAMA RAO GANTA,

Standing Counsel for MCH.

The Court made the following:

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Oral Order:

Heard the learned counsel for the petitioner and also learned Standing Counsel for the respondent-Corporation and both the counsel have agreed for disposal of the writ petition itself at the admission stage.

Petitioner, who is a donee of the property by virtue of registered gift deed dated 13-05-2003 from her husband—Mohd.Sharfuddin after obtaining No Objection Certificate vide Memo No.B4/6944/2003, dated 23-01-2004, applied to the Municipal Corporation of Hyderabad for sanction of building permission after depositing the construction fee. While so, the Corporation by impugned memo dated 21-06-2004 refused to grant permission on the ground that the petitioner has not filed the link document along with gift deed and advised her to get declaration of title from the competent court.

Learned counsel for the petitioner submits that the property is an ancestral property of petitioner's husband and no link document is available but the same was assessed for the purpose of property tax and the premises was provided with electricity connection.

In view of the same, petitioner is directed to re-submit the application along with relevant particulars including assessment, if any, made on the said property and the tax paid earlier by the donor within one week from today and on making such application respondent—Corporation is hereby directed to consider the same and

pass appropriate orders within four weeks thereafter.

The writ petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

27-10-2004

Murthy

ASSISTANT. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner, Municipal Corporation of Hyderabad ,Tank Bund Road, Hyderabad.

2.Two CD copies.